

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ROBERT E. WATKINS,)
)
Defendant.)
_____)

8:01CR163

**MEMORANDUM
AND ORDER**

Defendant Robert E. Watkins has filed a Motion to Appeal (filing 318) the Memorandum and Order (filing 315) denying Watkins' ethics complaint against his counsel and the Order (filing 317) denying Watkins' Motion for Reconsideration (filing 316). Also before the court is a memorandum from the Clerk of Court inquiring whether Watkins may proceed in forma pauperis on appeal (filing 319).

In response to the Clerk of Court's inquiry, the court finds that the appeal is not taken in good faith because Watkins' ethics complaint against his counsel was frivolous and appeared to be an improper attempt to circumvent the time limits for challenging a conviction or sentence pursuant to [28 U.S.C. § 2255](#). Therefore, the defendant is not entitled to proceed in forma pauperis on appeal. See [Fed. R. App. P. 24\(a\)\(3\)](#).

Accordingly,

IT IS ORDERED:

1. Pursuant to [Fed. R. App. P. 24\(a\)\(3\)\(A\)](#), the court certifies that the defendant's appeal (filing 318) is not taken in good faith, and the defendant is not entitled to proceed in forma pauperis on appeal; and

2. Pursuant to [Fed. R. App. P. 24\(a\)\(4\)\(B\)](#), the Clerk of Court shall send a copy of this Memorandum and Order to the defendant, personally, and to the Clerk of the United States Court of Appeals for the Eighth Circuit.

DATED this 20th day of September, 2011.

BY THE COURT:

s/ Richard G. Kopf

United States District Judge